

INDIANA PUBLIC DEFENDER COMMISSION

MINUTES

May 29, 2002

At 3:12 p.m., Chairman Lefstein determined that a quorum was present and called the meeting to order. Present were Commission members Susan Carpenter, Judge Daniel Donahue, Representative Ralph Foley, Bettye Lou Jerrel, Senator Timothy Lanane, and Rebecca McClure. Joining the meeting soon after its start were Senator Richard Bray and Representative Greg Porter. Also present were Larry Landis and Tom Carusillo.

1. Minutes from the February 27, 2002, meeting were reviewed and approved.
2. Staff reported the results of a survey of public defender compensation. Follow up with counties not responding to the survey was suggested. Meetings in Knox and Pike Counties were reported. Finally, attendance at the Judicial College Death Penalty Seminar was reviewed.
3. The Commission approved reimbursements in capital cases as follows:

COUNTY	DEFENDANT		TOTAL
Greene	Leone		\$6,688.10
Knox	Whipps		\$5,713.17
Marion	Barker		\$6,326.86
	Barker II		\$9,547.44
	Jones		\$14,439.44
	Powell		\$0.00
	Ritchie		\$7,431.21
	Shannon		\$7,049.60
Porter	Slater		\$39,062.83
Spencer	Ward		\$23,579.80
TOTAL			\$119,838.45

4. The Commission approved reimbursements in non-capital cases as follows:

COUNTY	PERIOD COVERED	TOTAL EXPENSE	ADJUS'T	ADJUS'D EXPEND.	40% REIMB.
ADAMS	01/01/02-03/31/02	\$24,247.64	\$0.00	\$24,247.64	\$9,699.06
BENTON	11/09/01-05/15/02	\$24,481.36	\$2,053.74	\$22,427.62	\$8,971.05
BLACKFORD	03/01/02-04/30/02	\$5,352.50	\$0.00	\$5,352.50	\$2,141.00
CARROLL	01/01/02-03/31/02	\$15,849.97	\$0.00	\$15,849.97	\$6,339.99
CLARK	01/01/02-03/31/02	\$91,941.58	\$1,838.83	\$90,102.75	\$36,041.10
DECATUR	01/01/02-03/31/02	\$25,168.00	\$23,898.92	\$1,269.08	\$507.63
FAYETTE	12/01/01-03/26/02	\$93,210.99	\$0.00	\$93,210.99	\$37,284.40
FLOYD	01/01/02-03/31/02	\$145,260.41	\$0.00	\$145,260.41	\$58,104.16

FOUNTAIN	01/01/02-03/31/02	\$10,968.60	\$2,961.52	\$8,007.08	\$3,202.83
FULTON	01/01/02-03/30/02	\$22,723.58	\$0.00	\$22,723.58	\$9,089.43
GREENE	01/01/02-03/31/02	\$42,390.03	\$0.00	\$42,390.03	\$16,956.01
HANCOCK	01/01/02-03/31/02	\$33,970.92	\$0.00	\$33,970.92	\$13,588.37
HENRY	02/07/02-03/31/02	\$42,245.10	\$0.00	\$42,245.10	\$16,898.04
JASPER	10/11/01-05/13/02	\$90,271.46	\$26,178.72	\$64,092.74	\$25,637.10
JENNINGS	01/01/02-03/31/02	\$12,010.80	\$177.50	\$11,833.30	\$4,733.32
KNOX	01/01/02-03/30/02	\$70,624.41	-\$1,114.40	\$71,738.81	\$28,695.52
KOSCIUSKO	09/01/00-03/31/02	\$273,604.86	\$0.00	\$273,604.86	\$109,441.94
LAKE	01/01/02-03/30/02	\$577,835.38	\$0.00	\$577,835.38	\$231,134.15
LAPORTE	01/01/02-03/31/02	\$88,088.79	\$0.00	\$88,088.79	\$35,235.52
MADISON	10/01/01-03/31/02	\$670,237.23	\$0.00	\$670,237.23	\$268,094.89
MARION	01/01/02-03/31/02	\$1,333,148.77	\$0.00	\$1,333,148.77	\$533,259.51
MIAMI	01/01/02-03/31/02	\$66,837.08	\$3,676.04	\$63,161.04	\$25,264.42
MONROE	10/01/01-03/31/02	\$205,810.64	\$0.00	\$205,810.64	\$82,324.26
MONTGOMERY	07/01/01-03/31/02	\$115,213.12	\$0.00	\$115,213.12	\$46,085.25
NOBLE	01/01/02-03/31/02	\$66,833.65	\$7,351.70	\$59,481.95	\$23,792.78
OHIO	01/01/02-03/31/02	\$11,837.22	\$2,401.25	\$9,435.97	\$3,774.39
ORANGE	07/01/01-03/31/02	\$58,195.52	\$1,835.02	\$56,360.50	\$22,544.20
PARKE	01/01/02-03/31/02	\$15,420.92	\$0.00	\$15,420.92	\$6,168.37
PERRY	03/04/02-05/06/02	\$15,983.14	\$0.00	\$15,983.14	\$6,393.26
PIKE	01/25/02-03/31/02	\$17,917.12	\$5,285.00	\$12,632.12	\$5,052.85
PULASKI	01/01/02-03/31/02	\$25,903.77	\$4,218.61	\$21,685.16	\$8,674.06
RUSH	01/01/02-03/31/02	\$32,462.46	\$6,139.98	\$26,322.48	\$10,528.99
SCOTT	02/07/02-05/06/02	\$44,017.56	\$15,846.32	\$28,171.24	\$11,268.50
SHELBY	02/01/02-04/30/02	\$55,542.44	\$0.00	\$55,542.44	\$22,216.98
SPENCER	01/03/02-04/16/02	\$12,208.15	\$0.00	\$12,208.15	\$4,883.26
STEUBEN	01/01/02-03/31/02	\$55,063.96	\$13,215.35	\$41,848.61	\$16,739.44
SULLIVAN	01/23/02-04/22/02	\$9,675.00	\$0.00	\$9,675.00	\$3,870.00
SWITZERLAND	01/01/02-03/31/02	\$24,285.16	\$7,961.72	\$16,323.44	\$6,529.38
VANDEBURGH	10/01/01-03/31/02	\$567,085.80	\$0.00	\$567,085.80	\$226,834.32
VERMILLION	01/01/02-03/31/02	\$21,210.68	\$0.00	\$21,210.68	\$8,484.27
VIGO	01/01/02-03/31/02	\$220,023.07	\$33,003.46	\$187,019.61	\$74,807.84
WARREN	01/01/02-04/30/02	\$3,182.06	\$0.00	\$3,182.06	\$1,272.82
WASHINGTON	01/01/02-03/31/02	\$40,394.59	\$7,674.97	\$32,719.62	\$13,087.85
WHITE	01/01/02-03/31/02	\$13,773.63	\$0.00	\$13,773.63	\$5,509.45
WHITLEY	07/01/01-03/31/02	\$104,251.59	\$68,109.38	\$36,142.21	\$14,456.88
TOTAL		\$5,496,760.71	\$232,713.63	\$5,264,047.08	\$2,105,618.84

Judge Donahue abstained from consideration of the claim from Clark County. All noncapital claims were then suspended, pending the next deposit into the Public Defense Fund on June 30, 2002. These claims and those from February 27, 2002 will be subject to proration.

5. Next, a discussion was had regarding the Commission's position regarding inquiries from counties seeking approval of comprehensive plans. It was concluded that the Commission had no authority to refuse to consider submitted plans. This led to a discussion of Commission strategy regarding the next biennium budget. It was concluded that a formal budget letter should be produced noting the benefits that have accrued from the Fund to date. Staff anticipated that the current budget of \$7.0 million would only meet the demands of existing counties. It was suggested that the new budget seek \$8.9 and \$11.4 million over the biennium to cover continued growth through the inclusion of all ninety-two counties. New counties seeking inclusion in the reimbursement program need to be apprised that 40% reimbursement may not occur due to increased claims against the Fund.
6. The Commission next reviewed the proration of suspended claims. Proration was approved as set forth below:

COUNTY	PRO RATA SHARE	COUNTY	PRO RATA SHARE
ADAMS	\$11,420.75	NOBLE	\$21,341.94
BENTON	\$3,106.40	OHIO	\$1,239.98
BLACKFORD	\$0.00	ORANGE	\$11,664.53
CARROLL	\$9,211.31	PARKE	\$2,573.54
CLARK	\$17,882.00	PERRY	\$5,752.18
DECATUR	\$1,329.67	PIKE	\$14,457.12
FAYETTE	\$19,267.04	PULASKI	\$7,130.85
FLOYD	\$32,973.40	RUSH	\$8,278.98
FOUNTAIN	\$9,190.30	SCOTT	\$8,010.49
FULTON	\$6,983.70	SHELBY	\$12,339.12
GREENE	\$6,732.86	SPENCER	\$2,035.09
HANCOCK	\$9,332.69	STEUBEN	\$16,860.99
HENRY	\$13,492.00	SULLIVAN	\$1,518.70
JASPER	\$13,264.82	SWITZERLAND	\$0.00
JENNINGS	\$6,701.14	UNION	\$87.61
KNOX	\$17,117.28	VANDERBURGH	\$117,365.71
KOSCIUSKO	\$56,626.05	VERMILLION	\$8,423.85
LAKE	\$150,849.82	VIGO	\$41,471.21
LAPORTE	\$17,728.64	WARREN	\$1,014.80
MADISON	\$107,944.45	WASHINGTON	\$8,269.19
MARION	\$360,363.77	WHITE	\$7,496.57
MIAMI	\$25,550.81	WHITLEY	\$3,014.80
MONROE	\$33,518.48		\$1,247,650.56
MONTGOMERY	\$16,715.92		

The Commission agreed counties should be notified of the increased budget, but that the addition of new counties could result in future proration. Counties will also

be reminded to urge their legislators to support increased funding for reimbursement so as to avoid proration in the future.

7. Finally, the Commission consider a request from Vanderburgh County regarding the addition of a juvenile PD and its impact on the county's support staffing. The Commission desired to encourage the county to bring its juvenile PD's into compliance. The Commission agreed that the county would be permitted to exceed staffing standards by 5% and still be considered to be compliant with Commission Standards. It was decided the county report within 9 months the status of its juvenile PD's and submit a plan to bring all juvenile PD's into compliance. This determination was reach with member Bettye Lou Jerrel abtaining.
8. The next meeting of the Commission is set for Wednesday, September 4, 2002, at 3:00 p.m. in National City Center, **South Tower, Room 1071**, 115 West Washington Street, , Indianapolis, Indiana.

Norman Lefstein, Chairman

Date